

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT TILLITZ,)	
)	Civil No. 06-1079-ST
Plaintiff,)	
)	
v.)	
)	
CHARLIE DANIELS,)	ORDER
)	
Defendant.)	

STEWART, Magistrate Judge.

On July 27, 2006, plaintiff filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Because petitioner challenges the adequacy of his dental care at FCI-Sheridan rather than the execution of his sentence, the court construes this as a civil rights case filed pursuant to Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971).

Pursuant to 28 U.S.C. § 1914, a party seeking to institute a civil rights case shall pay a filing fee of \$350.00. An action may

proceed without the prepayment of a filing fee only upon a proper application to proceed *in forma pauperis*. 28 U.S.C. § 1915(a).

Here, plaintiff requests *in forma pauperis* status within the body of his Complaint, but does not include the required certificate from an authorized officer of the institution certifying the current balance and six month average balance in plaintiff's prison trust account or a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the Complaint. Moreover, plaintiff has not authorized the withdrawal of \$350.00 from his prison trust account.

CONCLUSION

Plaintiff's request for *in forma pauperis* status is DENIED. Should plaintiff wish to continue with this action, he must file an a completed *in forma pauperis* application within 30 days. Plaintiff's failure to do so will result in the dismissal of this proceeding.

The Clerk of the Court is DIRECTED to send plaintiff an *in forma pauperis* application form.

IT IS SO ORDERED.

DATED this 31st day of July, 2006.

/s/ Janice M. Stewart

Janice M. Stewart
United States Magistrate Judge